

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD G. JACKMAN, JR., )  
Plaintiff, )  
v. ) C.A. No. 08-237 Erie  
UNITED STATES DEPT. OF JUSTICE, et al, )  
Defendants. )

**MEMORANDUM ORDER**

Plaintiff's civil rights complaint was received by the Clerk of Court on August 15, 2008, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on October 3, 2008, recommended that this action be dismissed for failure to state a claim in accordance with 28 U.S.C. § 1915(e)(2)(B). Further, it was recommended that the Plaintiff's motion for leave to proceed in forma pauperis (Doc. #1) be dismissed as moot; Plaintiff's motion for emergency injunctive relief (Doc. #3) be dismissed as moot; and the Clerk of Courts be directed to close the case.

The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at FCI Elkton, where he is incarcerated. Objections were filed by Plaintiff on October 14, 2008. After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 17<sup>th</sup> day of November, 2008;

IT IS HEREBY ORDERED that this complaint is DISMISSED for failure to state a claim in accordance with 28 U.S.C. § 1915(e)(2)(B).

IT IS FURTHER ORDERED that the Plaintiff's motion for leave to proceed in forma pauperis (Doc. #1) is DISMISSED as moot, and Plaintiff's motion for emergency injunctive relief (Doc. #3) is DISMISSED as moot.

The Clerk of Courts is directed to close this case.

The report and recommendation of Magistrate Judge Baxter, dated October 3, 2008, is adopted as the opinion of the court.

*Maurice B. Cohill, Jr.*  
MAURICE B. COHILL, JR.  
United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge  
all parties of record \_\_\_\_\_